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ALIX, YALE & RISTAS, LLP

INTELLECTUAL PROPERTY LAW
SINCE 1865

750 Main Street
Hartford, CT 06103-2721

June 30, 2004

phone 860.527.9211
fax 860.527.5029
email email@pctlaw.com
website www.pctlaw.com

Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Re: **United States Patent Application No. 10/797,976**
Title: **Process and Device for Discharging
Lignocellulose Raw Materials from a Digester
and Conveying the Raw Material to a Refiner**
Inventor(s): **Wolfgang Lashofer et al**
Our Ref: **ANDPAT/183/US**

Dear Sir or Madam:

Guy D. Yale
L. James Ristas
Clifford P. Kelly
James E. Piotrowski
Thomas J. Menard
Benjamin Y. Agress
Thomas A. Hatfield
Diane F. Covello

Attached is a copy of a petition filed on March 22, 2004 for the above-referenced application. Also attached is a copy of our return postcard having a date stamp of March 24, 2004 showing that the petition was received by the Patent and Trademark Office (PTO). There is no record of the petition in the PAIR system and a telephone call with the Petitions Office confirmed that there is no record of the petition at the PTO.

Very truly yours,

Clifford P. Kelly

OF COUNSEL
James E. Alix

CPK/io
Enclosures

\\PATLAW5\C-PATLAW5\1wpdocs\CPK\ANDPAT183US.ltr.06-30-04.doc

Richard H. Berneike
(1932-2004)



Pat. Appl. No: 10/797,976 Docket: RNDPAT/183/US Date: 03-22-2004
Title/Mark: Process and Device for Discharging Lignocellulose Raw
Applicant: Wolfgang Lashafer et al. Materials...
TO: The Honorable Commissioner of Patents and Trademarks

Please acknowledge receipt of the items checked below by stamping hereon the filing date (and application number, if applicable).

- | | |
|---|--|
| <input type="checkbox"/> New patent application: <u>Utility</u> <u>Design</u> | <input type="checkbox"/> Missing parts of application: |
| <input type="checkbox"/> Declaration and Power of Attorney <u>Unsigned</u> | <input type="checkbox"/> Missing Parts Fee: \$ |
| <input type="checkbox"/> <u>1</u> pages of specification include <u>independent</u> and <u>dependent</u> claims | |
| <input type="checkbox"/> <u>1</u> Drawing sheets; Figs. <u>1</u> <u>Formal</u> <u>Informal</u> | |
| <input type="checkbox"/> Small Entity Status Statement | <input type="checkbox"/> Filing Fee: \$ |
| <input type="checkbox"/> Copy of international application | <input type="checkbox"/> Assignment w/\$ Fee |
| <input type="checkbox"/> Translation-international prelim. exam annexes | <input type="checkbox"/> Preliminary Amendment |
| <input type="checkbox"/> Copy of amdmts. to claims under PCT Article 19 | <input type="checkbox"/> Amendment w/\$ Fee |
| <input type="checkbox"/> Translation of international application | <input type="checkbox"/> Ext. of Time Req. w/\$ Fee |
| <input type="checkbox"/> Claim of Priority and Certified Copy | <input type="checkbox"/> Issue Fee: \$ |
| <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> PTO-1449 | <input type="checkbox"/> Int'l. Search Report <input type="checkbox"/> Refs. |
| <input type="checkbox"/> Application to Register Mark <input type="checkbox"/> Drawing <input type="checkbox"/> Fee: | <input type="checkbox"/> Statement of Use |
| <input type="checkbox"/> Amendment to Application to Register Mark <u>Specimens</u> <input type="checkbox"/> Affidavit under \$ | |
| <input type="checkbox"/> Express Mail -- Label No. | |
- ☒ Statement Under 37 C.F.R. 1.10(d)(1)
☒ Petition To Correct Correspondence Filing Date (37 C.F.R. 1.10(d))
☒ Filing Fee = \$130.00
☒ First Fee of Application
☒ COPY OF EXPRESS MAIL 106

Pat. Appl. No: 10/797,976 Docket: RNDPAT/183/US Date: 03-22-2004
Title/Mark: Process and Device for Discharging Lignocellulose Raw
Applicant: Wolfgang Lashafer et al. Materials...
TO: The Honorable Commissioner of Patents and Trademarks

Please acknowledge receipt of the items checked below by stamping hereon the filing date (and application number, if applicable).

- | | |
|---|--|
| <input type="checkbox"/> New patent application: <u>Utility</u> <u>Design</u> | <input type="checkbox"/> Missing parts of application: |
| <input type="checkbox"/> Declaration and Power of Attorney <u>Unsigned</u> | <input type="checkbox"/> Missing Parts Fee: \$ |
| <input type="checkbox"/> <u>1</u> pages of specification include <u>independent</u> and <u>dependent</u> claims | |
| <input type="checkbox"/> <u>1</u> Drawing sheets; Figs. <u>1</u> <u>Formal</u> <u>Informal</u> | |
| <input type="checkbox"/> Small Entity Status Statement | <input type="checkbox"/> Filing Fee: \$ |
| <input type="checkbox"/> Copy of international application | <input type="checkbox"/> Assignment w/\$ Fee |
| <input type="checkbox"/> Translation-international prelim. exam annexes | <input type="checkbox"/> Preliminary Amendment |
| <input type="checkbox"/> Copy of amdmts. to claims under PCT Article 19 | <input type="checkbox"/> Amendment w/\$ Fee |
| <input type="checkbox"/> Translation of international application | <input type="checkbox"/> Ext. of Time Req. w/\$ Fee |
| <input type="checkbox"/> Claim of Priority and Certified Copy | <input type="checkbox"/> Issue Fee: \$ |
| <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> PTO-1449 | <input type="checkbox"/> Int'l. Search Report <input type="checkbox"/> Refs. |
| <input type="checkbox"/> Application to Register Mark <input type="checkbox"/> Drawing <input type="checkbox"/> Fee: | <input type="checkbox"/> Statement of Use |
| <input type="checkbox"/> Amendment to Application to Register Mark <u>Specimens</u> <input type="checkbox"/> Affidavit under \$ | |
| <input type="checkbox"/> Express Mail -- Label No. | |
- ☒ Statement Under 37 C.F.R. 1.10(d)(1)
☒ Petition To Correct Correspondence Filing Date (37 C.F.R. 1.10(d))
☒ Filing Fee = \$130.00
☒ First Fee of Application
☒ COPY OF EXPRESS MAIL 106

40721

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<u>Payor Ref. & Description</u>	<u>Invoice ID & Date</u>	<u>Non-U.S. Amount</u>	<u>U.S. \$ Amount</u>
38032	03/22/04		130.00
United States Patent Application No. 10/797,976			\$ 130.00
Title: Process and Device for Discharging Lignocellulose Raw ...			
Inventors: Wolfgang Lashofer and Michael Frint			

.....

40721

NUMBER

51-7218/2211

0040721

March 22, 2004

PAY:

One Hundred Thirty Dollars and 00 Cents

TO THE
ORDER
OF

Commissioner of Patents & Trademarks

ANDPAT/183/US

Amount
\$ *****130.00***

[Handwritten Signature]
 AUTHORIZED SIGNATURE

SAFEGUARD SECUR

1104072111 1:2211721861: 1148 701813111



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

☒ In re application of: Wolfgang Lashofer et al
 Application No.: 10 / 797,976 Group No.
 Filed: 03/10/2004 Examiner:
 For: Process And Device For Discharging Lignocellulose Raw Materials
 From A Digester And Conveying The Raw Material To A Refiner
☐ Patent No.: Issue date:

*NOTE: Preferably also insert inventor's name and invention title:

Mail Stop Petition
 Commissioner for Patents
 P.O. Box 1450
 Alexandria, VA 22313-1450

**PETITION TO CORRECT CORRESPONDENCE FILING DATE
 FOR "DATE-IN" INCORRECTLY ENTERED OR OMITTED
 ON EXPRESS MAIL LABEL
 (37 C.F.R. § 1.10(d))**

NOTE: See § 513, M.P.E.P., 7th Edition.

1. This is a petition to accord the correspondence in the above-identified
☒ application
☐ patent
 a filing date of 03/10/2004 (Date), which is the date the correspondence was deposited with the U.S.P.S. with proper postage.
2. Submitted herewith is the statement of Clifford P. Kelly as to when the discrepancy was discovered and establishing that this petition is being filed promptly thereafter. 37 C.F.R. § 1.10(d)(1).
3. Attached is a true copy of the first page of the correspondence which was filed, showing both the date on which this correspondence was mailed as Express Mail Label No. EV390694757US and that the number of the Express Mail was placed thereon prior to the original mailing. 37 C.F.R. § 1.10(d)(2).

CERTIFICATE OF MAILING/TRANSMISSION (37 C.F.R. § 1.8(a))

I hereby certify that this correspondence is, on the date shown below, being:

MAILING

☒ deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to the Commissioner for Patents, P.O. Box 1450 Alexandria, VA 22313-1450
 Date: 03/22/2004

FACSIMILE

☐ transmitted by facsimile to the Patent and Trademark Office, (703) _____

Irene O'Brien
 Signature
 Irene O'Brien
 (type or print name of person certifying)

4. Correction is required because:

- ☐ the wrong "Date-In" was entered by the U.S.P.S. on the envelope delivered to the P.T.O., but the correct date was entered on Express Mail label.
- ☒ the wrong "Date-In" was entered by the U.S.P.S. on the original "Express Mail" label and on the envelope delivered to the P.T.O.
- ☐ Deposit of correspondence at an Express Mail drop box and wrong date entered by U.S.P.S.
- ☐ Other:

5. The following establish the showing required by 37 C.F.R. § 1.10(d)(3):

NOTE: Evidence that came into being within one day after the deposit of the correspondence as "Express Mail" may be in the form of a log book which contains information such as the "Express Mail" number; the application number, attorney docket number or other such file identification number; the place, date and time of deposit; the time of the last scheduled pick-up for that date and place of deposit; the depositor's initials or signature; and the date and time of entry in the log. A notation in a log book, entered after deposit by the person who deposited the correspondence as "Express Mail" within one business day of such deposit, setting forth the items indicated above, would be deemed on petition to be an adequate showing of the date of deposit under 37 CFR 1.10(d)(3).

The reason the PTO considers correspondence to have been filed as of the date of deposit as "Express Mail" is that this date has been verified by a disinterested USPS employee, through the insertion of a "date-in," or other official USPS notation, on the "Express Mail" mailing label. Due to the questionable reliability of evidence from a party other than the USPS that did not come into being contemporaneously with the deposit of the correspondence with the USPS, 37 CFR 1.10(d) specifically requires that any petition under 37 CFR 1.10(d) be corroborated either by evidence from the USPS, or by evidence that came into being after deposit and within one business day after the deposit of the correspondence as "Express Mail."

A petition alleging that the USPS erred in entering the "date-in" will be denied if it is supported only by evidence (other than from the USPS) which was:

- (1) created prior to the deposit of the correspondence as "Express Mail" with the USPS (e.g., an application transmittal cover letter, or a client letter prepared prior to the deposit of the correspondence); or*
- (2) created more than one business day after the deposit of the correspondence as "Express Mail" (e.g., an affidavit or declaration prepared more than one business day after the correspondence was deposited with the USPS as "Express Mail").*

37 CFR 1.10(d)(3) further provides that a party must show that correspondence was deposited as "Express Mail" before the last scheduled pickup on the requested filing date in order to obtain a filing date as of that date.

☐ Evidence from the U.S.P.S. as follows:

☒ Express Mail Log that Came into being within one business day of the deposit of the correspondence in the "Express Mail Post Office to Addressee" service of the U.S.P.S.

☐ Other:

6. The petition fee (37 C.F.R. § 1.17(h)-\$130.00) is paid as follows:

- ☒ Attached is a ☒ check ☐ money order in the amount of \$ 130.00
- ☐ Authorization is hereby made to charge the amount of \$ _____
- ☐ to Deposit Account No. 16-2563
- ☐ to Credit card as shown on the attached credit card information authorization form PTO-2038.

WARNING: Credit card information should not be included on this form as it may become public.

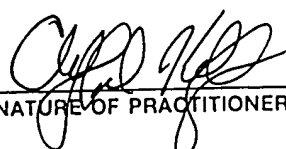
☒ Charge any additional fees required by this paper or credit any overpayment in the manner authorized above.

A duplicate of this paper is attached.

Reg. No.: 35,213

Tel. No.: (860) 527-9211

Customer No.: 002543


SIGNATURE OF PRACTITIONER

Clifford P. Kelly

(type or print name of practitioner)

Alix, Yale & Ristas, LLP

P.O. Address
750 Main Street
Hartford, CT 06103-2721

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re patent application of

Wolfgang Lashofer et al

Serial No. 10/797,976

Filing Date: 03/10/2004



Examiner:

Group Art Unit:

For: Process And Device For Discharging Lignocellulose Raw Materials
From A Digester And Conveying The Raw Material To A Refiner

Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450


STATEMENT UNDER 37 C.F.R. 1.10(d)(1)

Sir:

On March 22, 2004, we received our return postcard for the above-referenced application. The sticker attached to the postcard by the United States Patent and Trademark Office indicated that the application had been assigned a filing date of March 11, 2004. A copy of the postcard, showing date on which it was received in our office, is attached. The attached petition has been filed promptly after receipt of the return postcard, as evidenced by the mailing date.

Respectfully submitted,
Wolfgang Lashofer et al


By


Clifford P. Kelly
Registration No. 35,213
Alix, Yale & Ristas, LLP
Attorney for Applicant

750 Main Street
Hartford, CT 06103-2721
(860) 527-9211
March 22, 2004
CPK/io

No: _____ Docket: ANDPAT/183/US Date: March 10, 2004
Title/Mark: Access and Device for Discharging
Applicant: Wilfgang Lasheter and Michael Frant
TO: The Honorable Commissioner of Patents and Trademarks

Please acknowledge receipt of the items checked below by stamping hereon the filing date (and application number, if applicable).

<input checked="" type="checkbox"/> New patent application: <input checked="" type="checkbox"/> Utility <input type="checkbox"/> Design	<input type="checkbox"/> Missing parts of application:
<input checked="" type="checkbox"/> Declaration and Power of Attorney <input checked="" type="checkbox"/> Unsigned	<input type="checkbox"/> Missing Parts Fee: \$ _____
<input checked="" type="checkbox"/> <u>7</u> pages of specification include <u>2</u> independent and <u>8</u> dependent claims	
<input checked="" type="checkbox"/> <u>2</u> Drawing sheets; Figs. <u>1</u> - <u>2</u> <input checked="" type="checkbox"/> Formal <input type="checkbox"/> Informal	
<input type="checkbox"/> Small Entity Status Statement	<input checked="" type="checkbox"/> Filing Fee: \$ <u>770.00</u>
<input type="checkbox"/> Copy of international application	<input type="checkbox"/> Assignment w/\$ _____ Fee
<input type="checkbox"/> Translation-international prelim. exam annexes	<input type="checkbox"/> Preliminary Amendment
<input type="checkbox"/> Copy of amdmts. to claims under PCT Article 19	<input type="checkbox"/> Amendment w/\$ _____ Fee
<input type="checkbox"/> Translation of international application	<input type="checkbox"/> Ext. of Time Req. w/\$ _____ Fee
<input checked="" type="checkbox"/> Claim of Priority and Certified Copy	<input type="checkbox"/> Issue Fee: \$ _____
<input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> PTO-1449	<input type="checkbox"/> Int'l. Search Report <input type="checkbox"/> Refs.
<input type="checkbox"/> Application to Register Mark <input type="checkbox"/> Drawing <input type="checkbox"/> Fee: _____ <input type="checkbox"/> Statement of Use	
<input type="checkbox"/> Amendment to Application to Register Mark _____ Specimens <input type="checkbox"/> Affidavit under §	
<input checked="" type="checkbox"/> Express Mail -- Label No. <u>EV390694757US</u>	<u>22387</u> U.S. PTO
	<u>107797976</u>
	
	031104

Alix, Yale & Ristas, LLP
750 Main Street
Hartford, CT 06103-2721



MAR 10 2004

Alix, Yale & Ristas, LLP
750 Main Street
Hartford, CT 06103-2721



CPK

APPLICATION TRANSMITTAL FORM

First Named Inventor

Wolfgang Lashofer

Title

Process and Device for Discharging
Lignocellulose Raw Materials From a Digester
and Conveying the Raw Material to a Refiner

Attorney Docket Number

ANDPAT/183/US

Date

March 10, 2004

Transmitted herewith for filing is a ☒ utility ☐ design patent application.

ENCLOSURES

- ☒ 7 pages of specification including 2 independent and 8 dependent claims.
☒ 2 sheets of ☒ formal ☐ informal drawings.
☐ An Assignment of the invention to _____
☒ A Claim of Priority and Certified Copy.
☒ An Unsigned Inventor's Declaration and Power of Attorney.
☐ Request for Non-Publication of Application Form.
☐ Applicant claims small entity status.

The filing fee has been calculated as shown below:

- ☐ design application for ☐ Small Entity = \$170 ☐ Large Entity = \$340
☒ utility application

	No. Filed	No. extra	Small Entity		Large Entity	
			<u>Rate</u>	<u>Fee</u>	<u>Rate</u>	<u>Fee</u>
Basic Fee				\$385	OR	\$770
Total Claims	10	- 20 = 0	x 9 =		OR	x 18 =
Indep. Claims	2	- 3 = 0	x 43 =		OR	x 86 =
Multiple Dependent Claims Presented			+ 145 =		OR	+ 290 =
			TOTAL =	\$	TOTAL =	\$770

- ☒ A check in the amount of \$ 770.00 to cover the filing fee is enclosed
☐ Please charge my Deposit Account No. 16-2563 in the amount of \$ _____ to cover the filing fee. A duplicate copy of this sheet is enclosed.
☒ The Commissioner is hereby authorized to charge any additionally required filing fees under 37 CFR 1.16 associated with this communication or credit any overpayment to Deposit Account No. 16-2563. A duplicate copy of this sheet is enclosed.
☐ The Commissioner is hereby authorized to charge fees under 37 CFR 1.16 and 1.17 required during the pendency of this application and to credit any overpayment to Deposit Account No. 16-2563. A duplicate copy of this sheet is enclosed.

SIGNATURE OF APPLICANT, ATTORNEY OR AGENT

Firm or
Individual name

Clifford P. Kelly

Reg. No. 35,213

Signature

Date

March 10, 2004

Attorney's Docket No. ANDPAT/183/US

EXPRESS MAIL Mailing Label Number

EV390694757US

I, Talisha L. Cooper, hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" Service under 37 CFR 1.10 on March 10, 2004 and is addressed to "Mail Stop Patent Application, Commissioner for Patents, United States Patent and Trademark Office, P.O. Box 1450, Alexandria, Virginia 22313-1450."

Typed or Printed Name

Talisha L. Cooper

Date:

March 10, 2004

Signature

